Barbara Gerstley - Petitioners *

* * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the site plan previously approved : Case No. 87-471-A, and a variance to permit parking within O feet from a street right-of-way in lieu of the required 8 feet in accordance with Petitioner's Exhibit 1.

The Petitioners, by Alan Katz and Ken Katz, appeared, testified and were represented by Benjamin Bronstein, Esquire. Also appearing on behalf of the Petition were Robert Gollery with Signet Bank, and D. S. Thaler of D. S. Thaler and Associates, Inc. There were no Protestants.

Testimony indicated that the subject property, located at the intersection of Rossville Boulevard and Pulaski Highway, consists of 1.557 acres split zoned ML-CS-1, BR-CS-1 and ML-IM, and is improved with a strip shopping center which includes a Signet Bank at one end. Testimony indicated Petitioners are in the process of expanding the existing bank and upon applying for their building permit discovered that the existing improvements were not constructed in accordance with the previously approved development plan in Case No. B7-471-A. Testimony further indicated that as a result of this error, the building was constructed closer to Pulaski Highway on the Signet Bank end of the building and that shift resulted in the parking spaces along the front portion of the property being closer to the Pulaski Highway right-of-way. The Petitioners desire to amend the site plan to correct the error and bring the project in compliance with the zoning regulations through the granting of the variance requested. Petitioners testified hardship and practical difficulty would result if the relief requested were denied in that if the parking area in violation were required to be removed, the shopping center would be deficient in providing adequate parking and an already crowded parking area would become even more so. To deny the request would serve no benefit to the community.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing and variance were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore Scounty this May of April, 1989 that the Petition for Special Hea ing to approve an amendment to the site plan previously approved in Case No. 87-471-A, and the Petition for Variance to permit parking within 0 feet of a street right-of-way in lieu of the required 8 feet, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such

> > -2-

time as the 30-d y appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Petitioners shall take whatever steps necessary to insure that all Department of Permits and Licenses records are updated to reflect the amended site plan submitted in this case and identified as Petitioner's Exhibit 1.

> Zoning Commissioner for Baltimore County

#236

DESCRIPTION OF PROPERTY OF ARTHUR H. KATZ, SUCCESSOR TRUSTEE

All that lot of ground situate, lying and being in Baltimore County, Maryland and being more particularly described as follows:

BEGINNING for the same at a point on the Southeast right of way line of Pulaski Highway (U.S. Route 40) said point being North 48°32'35" East 61.60 feet from the center line station 81 + 29.42 of Rossville Boulevard as shown on Baltimore County right of way Plat Number R.W. 66-210-51 and running thence and binding on said Southeast right of way line the two following courses and distances viz: North 10°19'24" East 152.36 feet, by a curve to the right having a radius of 2789.79 feet for an arch length of 333.37 feet thence leaving said right of way line and running South 12°31'24" West 389.20 feet running thence North 78°19'36" West 54.13 feet to a point on the right of way line of Race Road to a point as shown on Baltimore County right of way Plat Number R.W. 66-210-51A running thence South 52°29' 49" West 112.19 feet to a point on the Northeast right of way line of Rossville Boulevard as shown on Baltimore County right of way Plat Number R.W. 66-210-51 and running thence and binding on said Northeast right of way line North 37°30'11" West 119.81 feet to the place of beginning.

Containing 1.557 acres of land as shown on a plat of survey by D.S. Thaler & Associates, Inc. dated January 10, 1987 and as described in the Land Records of Baltimore County, Maryland in Liber Number 5824, folio 675 and in Liber Number 5813, folio



Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

April 4, 1989

Benjamin Bronstein, Esquire 29 W. Susquehanna Avenue, Suite 205 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE SE/S Pulaski Highway, 62' NE of the c/l of Rossville Boulevard 15th Election District - 6th Councilmanic District Arthur H. Katz, Trustee for the Benefit of Alan Katz and Barbara Gerstley - Petitioners Case No. 89-349-SPHA

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours, J. Robert Haires /J. ROBERT HAINES / Zoning Commissioner for Baltimore County

Dennis F. Rasmussen
County Executive

cc: Mr. Robert Gollery 7 St. Paul Street, Baltimore, Md. 21202

People's Counsel

BALTIMORE COUNTY MARYLA OFFICE OF THE BUILDING ENGINEER TOWSON, MARYLAND 21204 18-00-003202 8807 PULASKI HIGHWAY TRUST REALITY (ARTHUR KATZ) 22 LIGHT ST. BALTO, MO 21202 SMEALLIE, ORRICK & JANKA IF UNDER CONTRACT OF SALES GIVE SELLER! NAME AND ADDRESS SES PULASKI HIGHWAY, NE COR ROSSVILLE RD. C. TYPE OF USE A. TYPE OF IMPROVEMENT 08 AMUSEMENT, RECREATION, PLACE OF ASSEMBLY RESIDENTIAL 01 ONE FAMILY 9 CHURCH, OTHER RELIGIOUS BUILDING NEW BUILDING CONSTRUCTION 02 TWO FAMILY FENCE (LENGTH_____HEIGHT__ 03 THREE AND FOLIR FAMILY INDUSTRIAL, STORAGE BUILDING ALTERATION 74 FIVE OR MORE FAMILY (ENTER NO UNITS_ PARKING GARAGE SERVICE STATION, REPAIR GARAGE HOSPITAL INSTITUTIONAL NURSING HOME OFFICE, BANK, PROFESSIONAL DESCRIBE PROPOSED WORK | 1 AND 2 FAM CODE PUBLIC UTILITY INT ALT TO INCLUDE DEMOLITITION REPLACEMENT BLOCK SCHOOL COLLEGE, OTHER EDUCATIONAL OF VAULT. REPLACE WAXER COUNTERS. RELOCATE CONCRETE DRYWALL PARTITIONS. INSTALL NEW ACOUSTICAL BASEMENT 9 STORE MERCANTILE RESTAURANT CEILING. EXTEND REAR WALL FOR ADDITIONAL OFFICE AREA. CHECK APPROPRIATE CATEGORIES FOR RESIDENTIAL ONLY B. OWNERSHIP 1 RAINATELY OWNED 2 PUBLICLY CWNED D. TYPE OF CONSTRUCTION PROPOSED EXISTS PROPOSED 3 STRUCTURE STEEL 4 REINF CONCRETE WOOD FRAME IS THERE CE TYPE OF HEATING FUEL 3 ELECTRICITY AIRED TO THE APPLICATION AND KNOW THE SAME IS CORRECT AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS!

MAIL PERMIT TO: SMEALLIE ORRICK & JANICA 7/28/33 SHEED YORK RD. BALTO MD STATE 21212 ZP HARRY HESS \$1.13#110#223+5 A0414 4 MATURE TAPROVED

	-471A and to permit a variance from section feet from a street right of way in lieu
of the required 8 feet.	NE
	Log procesihed by Zoning Regulations
Property is to be posted and advertised	Special Hearing advertising, posting, etc., upon fil-
ing of this Petition, and further agree to and a tions of Baltimore County adopted pursuant to	the Zoning Law for Baltimore County.
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
しとうさせる Contract Purchaser:	Legal Owner(s): Arthur H. Katz, Truste 30,2 For the benefit of Alan Katz & Barbara Gerst
(Type or Print Name) The + Mully Signature	Type or Print Name Signature
SIGNET BANK 7 ST FAUL STREET Address	(Type or Print Name)
BALTINOZE, AND 21202 City and State	Signature # 11/1/2 7 (SIGNET BANK
Attorney for Petitioner: BENJAMIN BRONSTEIN (Type or Print Name)	c/o Lennox Realty 3 Shawan Road Cockeysville, Maryland 21030 Address Phone No.
Signature Three	City and State
Address Towson, Maryland 21204	Name, address and phone number of legal owner, contract purchaser or representative to be contacted David Thaler, D.S. Thaler & Assoc.
Ai New and State	Name
	a 11 Warron Road, Raltimore, MD 21208
of, 1988, that	er of Baltimore County, this day at the subject matter of this petition be advertised, as bunty, in two newspapers of general circulation through-
of, 19 \$\frac{19}{2}_{\text{oning Commissioner}}, that required by the Zoning Law of Baltimore County out Baltimore County, that property be poster Commissioner of Baltimore County in Room	r of Baltimore County, this day
of, 1988, that required by the Zoning Law of Baltimore County that property be poster	er of Baltimore County, this day It the subject matter of this petition be advertised, as ounty, in two newspapers of general circulation throughed, and that the public hearing be had before the Zoning
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PETITION FOR SPECIAL HEARING AND VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

89-319-5PHA CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Posted for: Special Heaving + Vanance

Petitioner: Atthey H. Natz Trastee for the box f. Y g. How + Birbing Gerstley

Location of property: SF/s Pulasti Hay 62' NE Rois V: H. Blud of Patitions Posted by Militarly Date of return: 2/10/89

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this _______ day of ________, 19 88.

J. Robert Haines

1. ROBERT HAINES

Chairman, Zoning Plans

Advisory Committee

Petitioner Arthur IL Ratz, et al Petitioner's Fordania Browshin, Psyline

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines Zoning Commissioner

Date: 2 14/89

Dennis F. Rasmussen
County Executive

minutes before

each set not

post set(s), there

Signet Bank 7 St. Paul Street Baltimore, Maryland 21202

> ATTN: ROBERT GOLLERY Petitions for Special Hearing and Zoning Variance CASE NUMBER: 89-349-SPHA

S/ES Pulaski Highway, 62' NE c/l Rossville Blvd. 15th Election District - 6th Councilmanic Legal Owner(s): Arthur H. Katz, Trustee for the benefit of Alan Katz and Barbara HEARING SCHEDULED: TUESDAY, FEB. 28, 1989 at 10:00 a.m.

Please be advised that 112, 35 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT R-01-615-000

AMOUNT_\$ 112.35 RECEIVED True et Realty Co. P.A 2/28/89 hooin 89-349-5PHA er of B B C22*****11235:a 3524 VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494 3353

J. Robert Haines

January 23, 1989

NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Zoning Variance CASE NUMBER: 89-349-SPHA S/ES Pulaski Highway, 62° NE c/l Rossville Blvd. 15th Election District - 6th Councilmanic Legal Owner(s): Arthur H. Katz, Trustee for the benefit of Alan Katz and Barbara HEARING SCHEDULED: TUESDAY, FEB. 28, 1989 at 10:00 a.m.

Special Hearing: An amended site plan in Case No. 87-471-A. Variance to permit a variance from section 409.2.c(4) to permit parking within O feet from a street right of way in lieu of the required 8 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

1. Rel of flaires J. ROBERT HAINES Zoning Commissioner of Baltimore County

Mr. Arthur H. Katz Signet Bank/Robert Gollery Benjamin Bronstein, Esq. David Thaler

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 17, 1989

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Benjamin Bronstein, Esquire 29 W. Susquehanna Avenue

Towson, Haryland

Burnau of

Suite 205 Towson, MD 21204 RE: Item No. 236 Case No. 89-349-SPHA Petitioner: Arthur H. Katz, et al Petition for Special Hearing

Department of Dear Mr. Bronstein:

State Roads Commission Bureau of Health Department Project Planning Building Department Board of Education Zoning Administration

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER Chairman Zoning Plans Advisory Committee

Enclosures

cc: Mr. David Thaler D. S. Thaler & Assoc. 11 Warren Road Baltimore, MD 21208

Maryland Department of Transportation State Highway Administration

Richard H. Trainor Secretary Hal Kassoff

January 11, 1989

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Att: James Dyer

Re: Baltimore County Signet Bank Zoning meeting 12/27/88 S/S Pulaski Highway MD 40-E S/E corner of Rossville Boulevard Item #236

Dear Mr. Haines:

After reviewing the submittal for a variance to permit parking within 0 feet from a street right-of-way line, in lieu of the required 8 feet, we find the plan acceptable.

> Very truly yours, Oreston J. Mills, Jr.
> Chief Bureau of Engineering

Access Permits

LB/es

cc: D.S. Thaler and Associates Inc. Mr. J. Ogle

ZONING OFFICE

My telephone number is (301) 333-1350 Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toli Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

January 17, 1989



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 137, 236) 248, 249, 250, 251, 254, 256, 257, and 258.

MSF/lvw

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke

January 12, 1989

Dennis F. Rasmussen

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Legal Owner: Arthur H. Katz, Trustee for the benefit of Alan: Katz, and Barbara Gerstley

Den

Location: SE side of Pulaski, 62' NE the c/l of Rossville Blvd. Zoning Agenda: Meeting of 12/27/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Planning Group

Special Inspection Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Date February 23, 1989

TO Zoning Commissioner Pat Keller, Deputy Director
FROM Office of Planning and Zoning

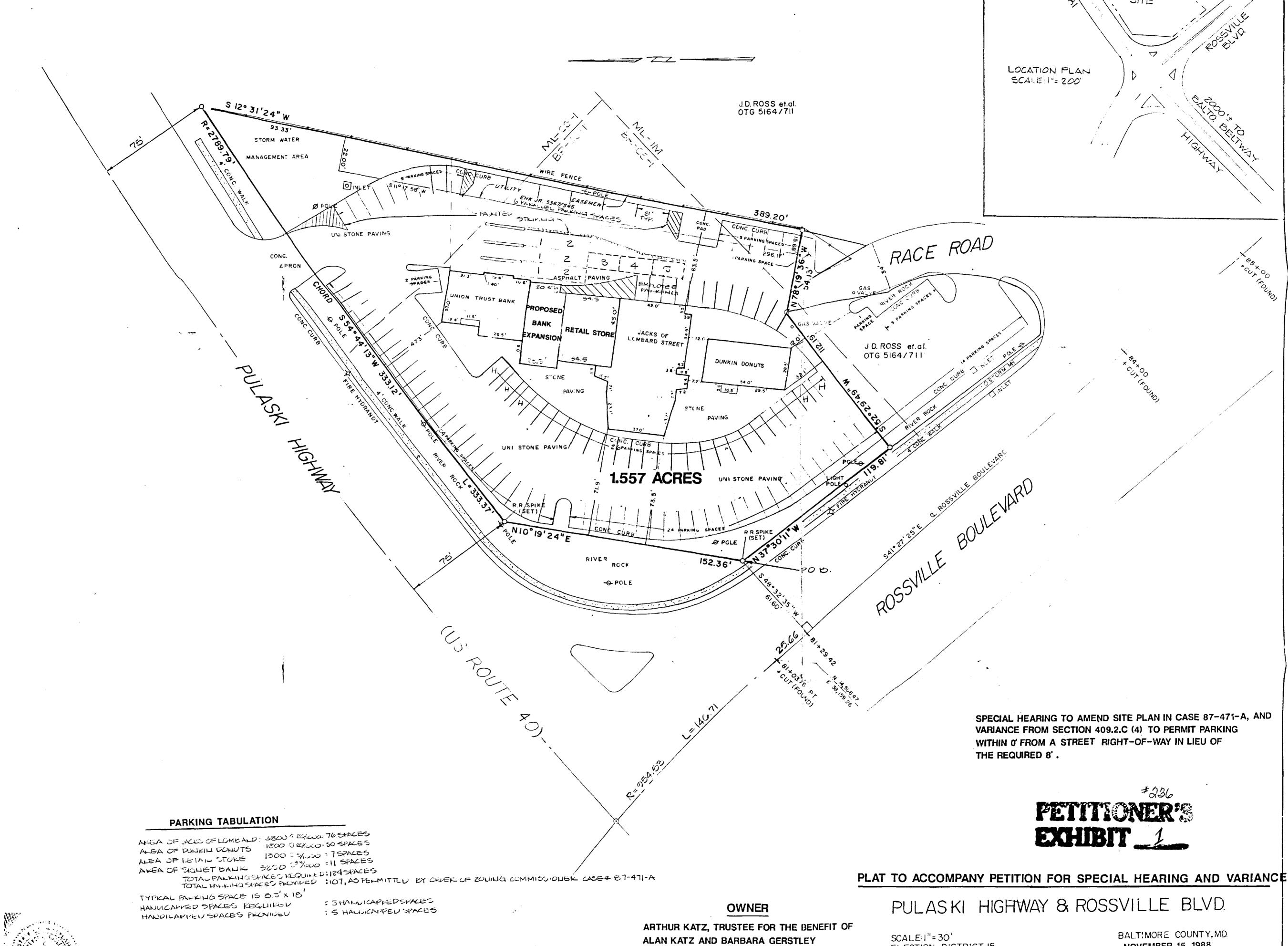
Arthur Katz

SUBJECT Zoning Petition No. 89-349-SPHA

The Office of Planning and Zoning is not opposed to the above petition; however, a landscape plan, including streetscape should be reviewed and approved by the County Landscape Planner.

PK/sf

CP5-008



D.S. THALER & ASSOCIATES INC.

CIVIL ENGINEERS

LAND SURVEYORS

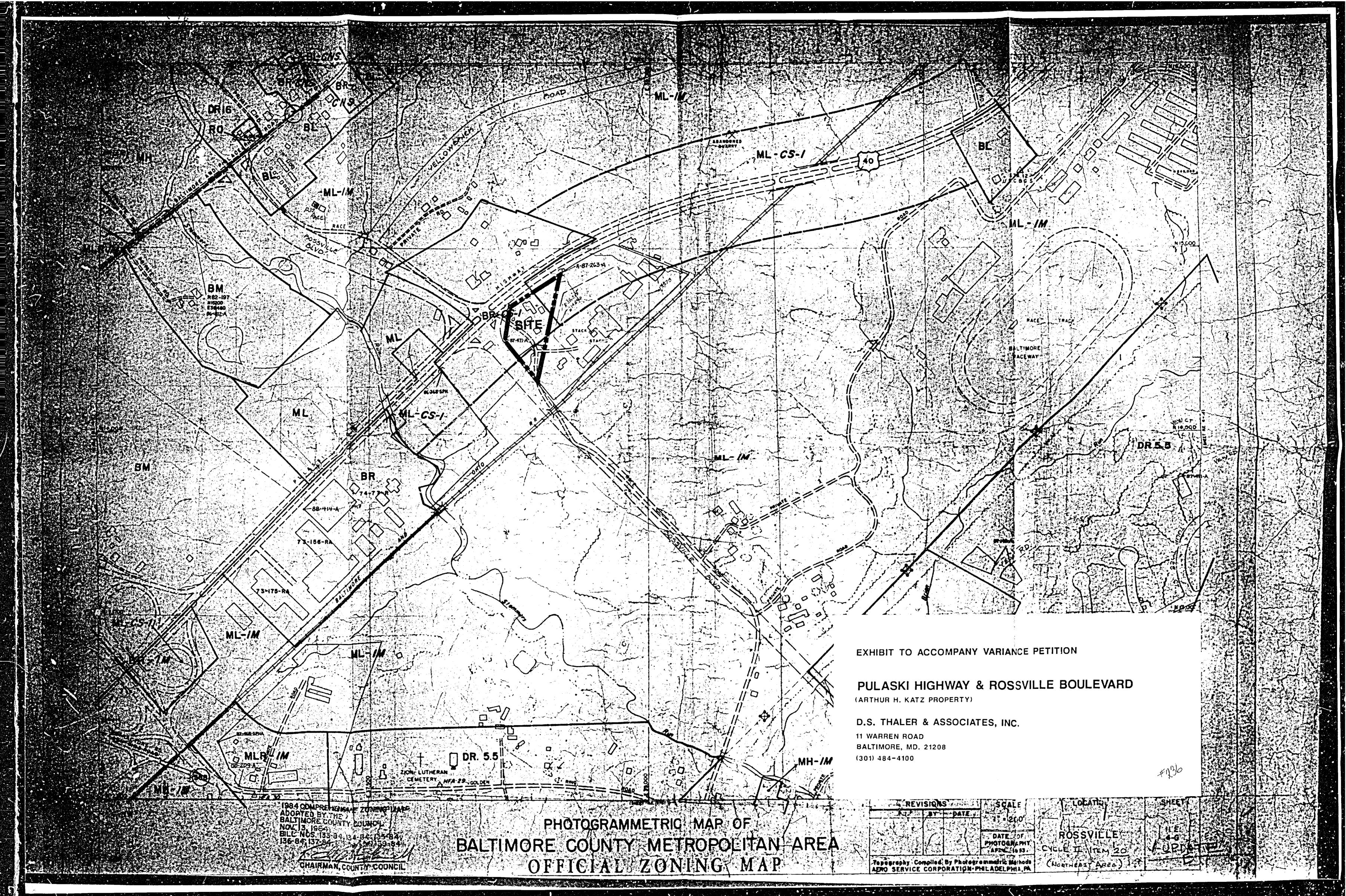
II WARREN ROAD - BALTIMORE, MARYLAND 21208 (301) 484-4100

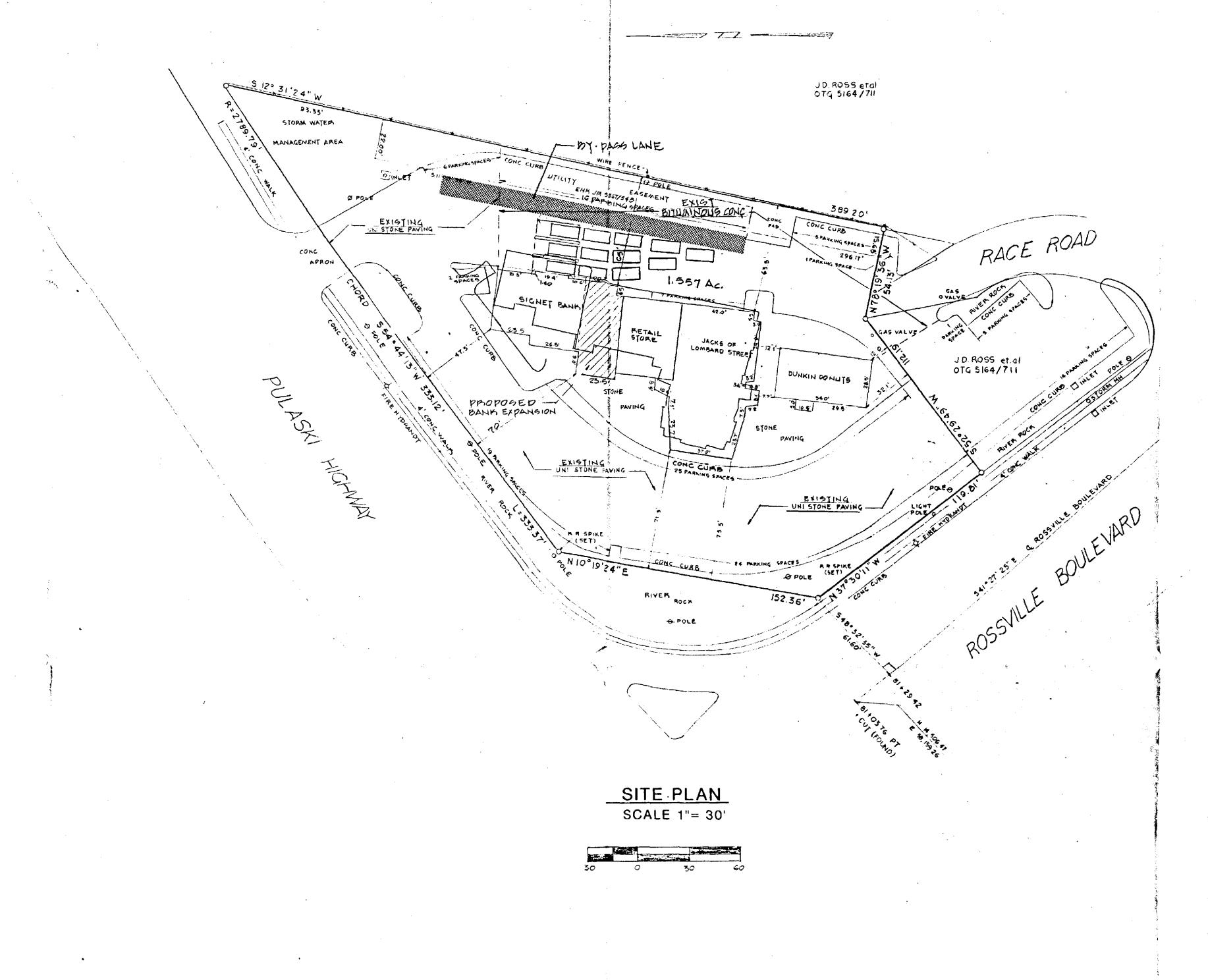


c/o LENNOX REALTY 3 SHAWAN ROAD COCKEYSVILLE, MD. 21030 SCALE:1"=30' ELECTION DISTRICT IS

NOVEMBER 15, 1988







ALL SITE INFORMATION TAKEN FROM PLAT SURVEY DONE BY;

DG. THALED & ASSOCIATES INC.

CIVIL ENGINEERS LAND SURVEYORS

11 WARMEN MOAD - BALTIMORE, MD. 21008

SURVEYED: JANUARY 10, 1987

ZONING DATA
ZOHING (EXIST) BL
EXIGT DANK 2050 GAFT (EXIGT USE) BANK EXPANSION +1200 GAFT (PROPOSED USE) TOTAL BANK AREA 3250 GAFT
EXIST RETAIL 2500 SOFT BANK EXPANSION -1200 SOFT
TOTAL METAIL AMEA 1300 SQFT
ANEA AG 1.557
ELECTION DISTRICT 15
STREET ADDRESS 8807 PHLASHI HIGHWAY
PARKING CALCULATIONS
SIGNET BANK: 3.3 SPACES , 3290 SQFT = 11 SPACES
RETAIL STODE: 5 SPACES X 1300 SQFT = 7 SPACES
JACKS OF LOWBARD STREET 20 SPACES , 3800 SQFT = 76 SPACES
DUNKIN DONUTS: 20 SPACES x 1500 SQFT = 30 SPACES
TOTAL Nº OF PAGNING SPACES REQUIRED 124 TOTAL Nº OF EXISTING PAGISING SPACES 125

REVISED 9-13-88

ALTERATIONS & ADDITIONS - ROSSVILLE BRANCH PULASKI HIGHWAY AT ROSSVILLE BLVD. BALTIMORE, MARYLAND





SITE PLAN

JOB NO. 88090 SMEALLIE, ORRICK AND JANKA, LTD.
ARCHITECTS PLANNERS
SEZE YORK ROAD BALTIMORE, MD. 21217

of C-1

NIE 9-1-88